of rice, Government have issued a notification controlling the sale and movement of tapioca. Government will themselves purchase all tapioca not required by the growers for consumption.

Rationing has now been introduced everywhere except in the isolated Chittur Taluk where it will be brought into force in a few days time. Thanks to the general co-operation of the public and the good work done, in particular, by the school teachers, this country-wide rationing scheme has been successfully launched. The scheme in general is working smoothly. Grain purchase has also in general progressed satisfactorily. Many landlords and cultivators have shown their public spirit by co-operating willingly.

Vigorous action is being taken against profiteers, hoarders and smugglers. I may say for the information of the House that the number of prosecutions so far launched is far greater than that given today in answer to a question. The large number of prosecutions reveals the regrettable fact that there is still a certain number of people in the State prepared to exploit the difficult situation for their own illicit profit. The general public can do much to stop these practices, not only by reporting cases to the authorities, but also by socially ostracising these enemies of societies.

We are passing through an anxious period but I am confident that we will pull through. We rely on help from the Government of India and from administrations in other parts of the country more fortunately placed than ourselves. But we rely most of all on the whole hearted support and co-operation so willingly given by the vast majority of the people of the State and their leaders, prominent among whom are the Hon'ble Members of this House, who can do much in their constituencies to help the people to weather the storm.

Ruling on Point of order

I have also to give a ruling on a point of order raised yesterday with regard to the right of speech of Hon'ble Members at the third reading. I give the following ruling regarding the same. Under Standing Order No. 23 Hon'ble Members have got a right to speak on the motion when called upon by the President and this is in accordance with the practice prevailing here as well as elsewhere. But I may say that the speeches at the third reading may not be so elaborate as that of the second reading.

Announcement of the name of the Members elected to the Irrigation Board

Mr. President: I announce the nomination of Mr. Kunhirama Menon as being elected as a member to the Irrigation Board since his is the only nomination received.

LEGISLATIVE BUSINESS—GOVERNMENT BILL

The Cochin Village Courts Bill—*(cont.)*

Clause 2

Mr. K. Narayana Monon *(Mulakunnathuakvu):* Sir, clause 2 as it stands reads thus.—"*All suits pending in the Village Panchayat Courts or Group Panchayat Courts at the commencement of this Act shall be deemed to have been instituted in the Village Court having jurisdiction under this Act, and all decrees passed by such Panchayat or Group Panchayat Court may be executed under the provisions hereinafter cantained relating to execution of decrees passed under this Act as if they were decrees passed by the respective village courts*". This clause is sought to be substituted by a new clause 2. The new clause is the following.—"*2(1) All suits and proceedings commenced in the Village Panchayat Courts or Group Panchayat Courts prior to the date of coming into force of this Act shall be continued and depend in the Village Court having jurisdiction under this Act as if they had commenced in such Village Court after such date.*

(2) All such decrees passed by the Panchayat or Group Panchayat Courts and all proeedings in respect of any decree or order passed by such courts may be executed or commenced in the respective Village Courts as if such decrees or orders were passed by the respective Village Courts.".

The amended clause seeks to divide the original clause which comprised both suits, decrees and executions in one and the same clause into two different sub-clauses. The first sub-clause relates to suits and proceedings and the second to decrees and executions. If this is not done it may sometimes lead to confusion. There is absolutely nothing new. I beg to move that the amendment may be accepted.

Mr. M. Krishna Menon *(Trichur North):* I second the amendment.

Mr. M. K. Devassy *(Adur):* May I know what is meant by the term 'depend in' in clause (1) of the amendment.

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Mr. K. Narayana Menon *(Mulakunnathukavu):* That is a legal term and that the same term appears in the Government of Cochin Act when our Chief Court was constituted into the High Court. The word "depend" according to the Oxford Dictionary means 'pending in'. The legal meaning is also the same.

Amendment put and carried

Clauss 2 as amended put and carried

Clause 3

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I do not move amendment No. 3, since the present word "therein" is more suitable.

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I move the following amendment.— *Add the following as sub-clause (3) of clause 3.—"(3) When a Village Court is established for an area within the local limits of the jurisdiction of a District Munsiff, all suits cognisable by a Village Court under this Act and pending in the Munsiff's Court an that date, shall be transferred by the District Munsiff to the Village Court and the Village Court shall proceed with such suits as if they had been instituted in that Court."*

It is quite possible that when Village Courts are established in areas within the jurisdiction of District Munsiffs the question may arise whether the Village Courts have jurisdiction to try cases, which they are competent to try now, pending in the Munsiff's Courts. This provision is intended only to provide for such contingencies. Now it has been definitely laid down that such pending suits shall be transferred to the Village Courts.

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Amendment put and carried

Clause 3 as amended put and carried

Clause 4

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I move the following amendments to clause 4:

(*a*) *"In clause 4 substitute 'anything' for 'something'.*

(*b*) *For sub-clause (i) substitute the following:—"(i) 'Village' means a local area recognised by Government from time to time as a Village for purposes of land revenue administration"*

(*c*) *In sub-clause (2) of clause 4 delete the words 'for a village'..*

The first amendment is only a drafting amendment. It is only a legal phrase that is sought to be amended. The original clause has 'something'. The better term is 'anything'.

Regarding the second amendment the original definition of the term 'Village' was open to criticism and it was also indefinite. It is just to remove that the amendment has been tabled.

Mr. M. Krishna Menon *(Trichur-North):* I second the amendments.

Amendments put and carried

Clause 4 as amended put and carried

Clause 5

Clause 5 put and carried

Clause 6

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I move that *in clause 6, sub-clause (2) shall be deleted, and in clause 6 (1) renumbered as clause 6 add after the word 'President', the words 'and another, the Senior Judge".*

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Amendment put and carried

Clause 6 as amended put and carried

Clause 7

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move that "For clause 7 the following shall be substituted.—

"The Presideat, the Senir Judge and the other Judges of the Village Court shall be nominated by Government in accordance with such rules as may be prescribed by Government in this behalf, and shall hold office for a period of three years:

Provided that as and when casual vacancies arise Government shall in like manner fill up the vacancies for the unexpired portion of the said term of three years.

Provided further that every President, Senior Judge and Judge shall notwithstanding the expiry of three years from his appointment remain in office, unless Government otherwise direct until his successor assumes charge of his duties."

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The original clause does not make the idea clear and hence this amendment.

Mr. M. Krishna Menon *(Trichur North):* I second it.

Amendment put and carried

Clause 7 as amended put and carried

Clause 8

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move *"In clause 8 for the words 'President or other Judges' wherever they occur substitute the words 'The President, Senior Judge or other Judges', and delete the words 'incapacity'.*

"Omit all the words after 'cause occurring for the first time in clause 8".

"In clause 8 after the word 'non-attendance' insert the words 'or for such disqualifications as may be prescribed in this behalf incurred either before or after the nomination'. and add 'for' before 'other".

Mr. M. Krishna Menon *(Trichur North):* I second it.

Amendment put and carried

Clause 8 as amended put and carried

Clauses 9 to 11

Clauses 9 to 11 put and carried

Clause 12

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move *"For sub-clauses (a) and (b) and the proviso to clause 12 the following shall be substituted.—*

"The defendant or where there are more defendants than one the majority of them at the time of the commencement of the suit actually or voluntarily reside or carry on business or personally work for gain, and where there is no such majority, the plaintiff may at his option file the suit in any court within whose jurisdiction any of the defendants resides or carries on business or personally works for gain.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 12 as amended put and carried

Clause 13

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 13 omit the words 'subject to the provisions contained in section 14 and'.*

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 13 as amended put and carried

Clause 14

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"For clause 14 substitute the following.—*

"(1) No Judge of a Village Court shall try any suit in which he is personally interested or shall adjudicate upon any proceeding connected with or arising out of such suit.

(2) When any Judge of a Village Court is a party to or where more than two Judges of a Village Court are personally interested in any suit or proceeding before such court, the Registrar shall, on requisition by the President of the Village Court or on application made to him by any party to such suit or proceeding, transfer the same to any other Village Court."

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 14 as amended put and carried

Clauses 15 and 16

Clauses 15 and 16 put and carried

Clause 17

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 17 delete the words 'under sections 10 and 12'.*

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 17 as amended put and carried

Clauses 18 to 23

Clauses 18 to 23 put and carried

Clause 24

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 24 before the words 'the court may' insert the words 'or for any other sufficient reason, the summons cannot be served in the manner provided for in section 23".*

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That is only to provide for substituted service in cases not contemplated by the Act.

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Amendment put and carried

Clause 24 as amended put and carried

Clauses 25 to 38

Clauses 25 to 38 put and carried

Clause 39

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 39 for sub-clause (2) substitute the following.—*

"(2) The court may, in any case where a woman who is not a party to the suit or proceeding is cited as a witness, order her examination by the issue of a commission at the expense of the party who requires her evidence if an application is made in this behalf by the witness."

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 39 as amended put and carried

Clauses 40 and 41

Clauses 40 and 41 put and carried

Clause 42

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 42 for 'sections 27 and 28' substitute 'sections 26, 27 and 28"*

Section 26 deals with procedure exparte.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 42 as amended put and carried

Clause 43

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"In clause 43 omit the words and figures 'within 15 days".* That is the time prescribed for delivering judgment of a court, and it should not be obligatory or compulsory. Hence the amendment.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 43 as amended put and carried

Clause 44

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*"For sub-clause (1) of clause 44, substitute the following.—*

"The decree shall be in Malayalam and shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witness examined, the titles of the exhibits read, the decision in the case and the reasons for such decisions.

The original section is too much in detail and is not necessary.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 44 as amended put and carried

Clause 45

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move "For *clause 45 the following shall be substituted:*

"(1) In suits for money, the Village Court may, in addition to any interest adjudged on the principal sum for any period prior to the institution of the suit, order in the decree interest at such rate not exceeding 6 per cent per annum as the court deems reasonable on such principal sum from the date of the suit to the date of payment.

(2) Where such decree is silent with respect to the payment of interest as aforesaid the court shall be deemed to have refused such interest and a separate suit therefor shall not lie.

(3) When a Village Court decrees the payment of a sum of money it may direct that it be paid by instalmenis with or without interest at the above rate".

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 45 as amended put and carried

Clauses 46 and 47

Clauses 46 and 47 put and carried

Clause 48

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*" In Clause 48 for the words 'as an' substitute the words "in the".*

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It is only a verbal alteration to make the phrase correct.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 48 as amended put and carried

Clause 49

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—" *In Clause 49 in the last paragraph after the words 'District Munsiff' add the words 'executing the decree'* ".

The certification of payment is contemplated there and the Court which executes the decree is the competent court.

Mr. M. Krishna Menon *(Trichur-Notth):* I second it.

Amendment put and carried

Clause 49 as amended put and carried

Clause 50

Clause 50 put and carried

Clause 51

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—(1) " *In sub-clause (1) of clause 51 delete the words 'and to the provisions contained in seetions 106, 107 and 129 of the C. P. C., XXIX of 1111'* ".

(2) *In sub-clause (3) before the word "empower" add the words "and subject to the provisions contained in Sections 106, 107, and 129 of the Cochin Code of Civil Procedure, XXIX of 1111 and the provisions hereinafter contained".*

(3) *Add the following as a proviso to sub-clause (3).—*

Provided that where the decree is for the payment of money, execution by detention in prison shall not be ordered unless, after giving the judgment-debtor an opportunity of showing cause why he should not be committed to prison, the court for reasons recorded in writing is satisfied—

(a) *that the judgment-debtor with the object or effect of obstructing or delaying the execution of the decree—*

(i) *is likely to abscond or leave the local limits of the jurisdiction of the court or*

(ii) *has after the institution of the suit in which the decree passed dishonestly transferred, concealed or removed any part of his property or committed any other act of bad faith in relation to his property ; or*

(b) *that the judgment-debtor has or has had since the date of the decree, the means to pay the amount of the decree or some substantial part thereof and refuses or neglects or has refused or neglected to pay the same : or*

(c) *that the decree is for a sum for which the judgment-debtor was bound in a fiduciary capacity to account.*

Explanation.—*In the calculation of the means of the judgment-debtor for the purposes of clause (b) there shall be left out of account any property which by or under any law or custom having the force of law for the time being in force is exempt from attachment in execution of the decree.*"

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 51 as amended put and carried

Clause 52

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—" *In the first proviso to sub-clause (1) of clause 52 for the word 'so' substitute the word 'no'* ".

In sub-clause (2) of clause 52 between the words "that" and "person" insert the word "any".

It is only to make it grammatical.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 52 as amended put and carried

Clause 53

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—" *In clause 53 delete the words 'for the payment of money'* ".

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 53 as amended put and carried

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Clause 54 to 60

Clauses 54 to 60 put and carried

Clause 61

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*For sub-clause (1) of clause 61 substitute the following :—*

(1) *subject to the provisions of this Chapter issue a warrant under section 52 for commitment to the Civil prison of any judgment-debtor*".

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 61 as amended put and carried

Clause 62

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*In sub-clause (j) to the proviso to clause 62 for the word 'supply' substitute the word 'apply'*".

It is a printing mistake.

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 62 as amended put and carried

Clauses 63 and 64

Clauses 63 and 64 put and carried

Clause 65

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*In clause 65 between the words 'the' and 'value' insert the words 'extent of the '*".

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 65 as amended put and carried.

Clauses 66 to 69

Clauses 66 to 69 put and carried

Clause 70

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move "*In clause 70 for the word 'fixed' substitute the word 'affixed'.*

(b) Insert the following as the first proviso to clause 70.—

"*Provided that where a claim has been preferred to the property attached under section 69, the court may postpone the sale of the property pending adjudication on the claim*".

(c) Insert the existing first proviso as the second proviso and add the word "other" between the words "on" and "sufficient".

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 70 as amended put and carried

Clauses 71 to 73

Clauses 71 to 73 put and carried

Clause 74

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—*In clause 74 for the word "attending" substitute the word "of".*

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 74 as amended put and carried

Clauses 75 to 78

Clauses 75 to 78 put and carried

Clause 79

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—*For clause 79 the following shall be substituted :—*

"*If a plaintiff or a defendant dies before decree, his legal representative shall after due notice to the parties be brought on record on the application of any party or of such legal representatives but no decree shall be passed against the legal representative of the deceased defendant beyond the value of the assets derived from him and not duly accounted for*".

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 79 as amended put and carried

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Clause 80

Clause 80 put and carried

Clause 81

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*For clause 81, the following shall be substituted.—*

"*When there are more plaintiffs and defendants than one and any of them dies and where the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the court shall cause an entry to that effect to be made on the record and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs or against the surviving defendant or defendants.*"

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 81 as amended put and carried

Clauses 82 and 83

Clauses 82 and 83 put and carried

Clause 84

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—*In clause 84 omit the words "superintendence and" between the words "have" and "powers" and insert the words "superintendence and" between "of" and "inspection"*

Mr. M. Krishna Monon *(Trichur-North)*: I second the amendment.

Amendment put and carried

Clause 84 as amended put and carried

Clause 85

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*Add to sub-clause (1) of clause 85 the following at the end.—*

"*When a reference is made to the Registrar the Court shall stay the suit or proceedings pending the decision of the Registrar on the point referred.*"

Omit sub-clause (2) and re-number the other sub-clauses as 2, 3 and 4.

Sub-clause (5)—(present sub-clause (4)) —shall be deleted.

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 85 as amended put and carried

Clause 86

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—"*For clause 86 substitute the following.—*

"*The Registrar may on a petition being presented within 60 days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground of corruption, gross partiality or misconduct of any of the Judges of the Village Court or of the Court having exercised a jurisdiction not vested in it by law or otherwise acted illegally and may pass such other decree or order as he deems fit. No decree or order of a Village Court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the Registrar may stay execution of the decree or order:*

Provided that the requisites for obtaining a copy of the decree or order shall be excluded in computing the period of limitation.

(2) the Registrar may, if he is satisfied with the cause shown for the delay, entertain a petition after 60 days".

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Amendment put and carried

Clause 86 as amended put and carried

New Clause 87

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I move—*after clause 86 the following shall be inserted as a new clause:*

"*Petitions and applications to be presented to the Court of the Registrar and documents or other papers to be produced in that court may be sent by registered Anchal or Post, and the same shall be deemed to have been duly presented on the day on which they have been so registered.*"

Mr. M. Krishna Menon *(Trichur-North)*: I second it.

Clause 87 put and carried

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New Clause 88

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—"*Add the following as a new clause and renumber the remaining clauses serially:*

"*(1) All petitions for revising decrees or orders of Village Panchayat Courts or Group Panchayat Courts pending in the Court of District Munsiffs at the commencement of this Act shall be transferred to the Registrar by the District Munsiffs for disposal. The Registrar shall, on receipt of the records exercise all the powers vested in him under section 86 as if such decrees or orders were passed by a Village Court.*

(2) Petitions for revising decrees or orders passed prior to the commencement of this Act by the Village Panchayat Courts or Group Panchayat Courts shall lie to the Registrar and section 86 shall apply to such petitions."

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Clause 88 put and carried

Clauses 89 and 90

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move *that the original clauses 88 and 87 may be transposed and renumbered as clauses 89 and 90. In the renumbered clause 89 delete the words "through the High Court" occurring at the end of the clause. In the re-numbered clause 90 for the words and figures "sections 85 and 86" substitute the words "this Act"*

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendments put and carried

Clauses 89 and 90 as amended put and carried

New clause 91

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*Add the following as a new clause.—*

"*Except as provided in this Act, every decree and order of a Village Court shall be final*".

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Clause 91 put and carried

New clause 92

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—*Add the following as a new clause and renumber the remaining clause serially.—*

"*All legal practitioners entitled to practise in the Courts of District Munsiffs by any law in force shall as of right be entitled to practise in the Court of the Registrar*".

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Clause 92 put and carried

Clause 93

Mr. K. Narayana Menon *(Mulakunnathukavu):* I move—"*In sub-clause (2) of clause 91 renumbered as 93:—*

(i) In sub-clause (b) after the word "President" insert the words "the Senior Judge"; and

(ii) sub-clause (k) shall be relettered as '(l)' and the following inserted as sub-clause '(k)':

"*(k) prescribe the disqualifications for nomination or for continuing as a Judge*".

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Amendment put and carried

Clause 93 as amended put and carried

Clauses 94 to 96

Clauses 94 to 96 put ond carried

Clause 1

Clause 1 put and carried

Preamble

Mr. K. Narayana Menon *(Mulakunnathukavu): I beg to move that before the word "Panchayat" the word "Village" may be inserted.*

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Amendment put and carried

Preamble as amended put and carried

Mr. T. K. Nayar *(Minister for Rural Development):* I move that the Cochin Village Courts Bill be taken up and finally passed tomorrow.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Motion put and carried

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